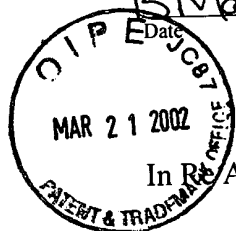


I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, Washington, DC 20231" on

Atty Dkt No. 7610-0022.22

PATENT #14

March 15, 2002  
Date  
Signature



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:  
Mitchell W. MUTZ et al.

Serial No.: 10/040,926

Group Art Unit: 1623

Filing Date: December 28, 2001

Examiner: Unassigned

Title: FOCUSED ACOUSTIC EJECTION CELL SORTING SYSTEM AND METHOD

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
Washington, DC 20231

Sir:

This is an Information Disclosure Statement submitted for the Examiner's consideration. Applicants respectfully request that the Examiner review and make of record the references identified below.

The references identified below and listed on the attached PTO-1449 forms as Reference Nos. AA-AD were disclosed in parent application Serial No. 09/751,666, filed December 28, 2000, and, as such, copies thereof are not included pursuant to the provisions of 37 CFR § 1.98(d).

| U.S. PATENT DOCUMENTS |                                |                               |
|-----------------------|--------------------------------|-------------------------------|
| Document No.          | Issue Date or Publication Date | Name of Patentee or Applicant |
| Serial No. 09/669,996 | Filed 9/25/00                  | Ellson et al.                 |
| 5,506,141             | 4/9/96                         | Weinreb et al.                |
| 6,103,479             | 8/15/00                        | Taylor                        |

| NONPATENT DOCUMENT                                                                      |  |
|-----------------------------------------------------------------------------------------|--|
| "CellSelector <sup>TM</sup> " product description, Cell Robotics Inc., Albuquerque, NM. |  |

The references identified below and listed on the attached PTO-1449 form as Reference Nos. AE-BA are newly cited. The first six newly cited references identified above and as listed on the attached PTO-1449 form as Reference Nos. AE-AJ are U.S. patent applications. As such, copies of those references are not included pursuant to 37 CFR § 1.98(a)(2)(iii). Accordingly, copies of Reference Nos. AK-BA are enclosed herewith.

| U.S. PATENT DOCUMENTS |                                |                               |
|-----------------------|--------------------------------|-------------------------------|
| Document No.          | Issue Date or Publication Date | Name of Patentee or Applicant |
| Serial No. 09/669,194 | Filed 9/25/00                  | Ellson et al.                 |
| Serial No. 09/727,392 | Filed 11/29/00                 | Mutz et al.                   |
| Serial No. 09/962,730 | Filed 9/25/01                  | Ellson et al.                 |
| Serial No. 09/964,193 | Filed 9/25/01                  | Mutz et al.                   |
| Serial No. 09/964,212 | Filed 9/25/01                  | Ellson et al.                 |
| Serial No. 09/999,166 | Filed 11/29/01                 | Mutz et al.                   |
| 2,056,426             | 10/6/36                        | Frantz                        |
| 3,380,584             | 4/30/68                        | Fulwyler                      |
| 3,710,933             | 1/16/73                        | Fulwyler et al.               |
| 4,308,547             | 12/29/81                       | Lovelady et al.               |
| 4,500,707             | 2/19/85                        | Caruthers et al.              |
| 4,765,737             | 8/23/88                        | Harris et al.                 |
| 5,041,849             | 8/20/91                        | Quate et al.                  |
| 5,158,889             | 10/27/92                       | Hirako et al.                 |
| 5,436,327             | 7/25/95                        | Southern et al.               |
| 5,700,637             | 12/23/97                       | Southern et al.               |
| 5,798,779             | 8/25/98                        | Nakayasu et al.               |
| 6,044,981             | 4/4/00                         | Chu et al.                    |
| 6,120,735             | 9/19/00                        | Zborowski et al.              |

| NONPATENT DOCUMENTS                                                                                                                                                                                               |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Amemiya et al. (1997), "Ink Jet Printing with Focused Ultrasonic Beams," <i>IS&amp;T NIP 13: 1997 International Conference on Digital Printing Technologies</i> , pp. 698-702.                                    |
| Kotecha et al. (1996), "Increase in Interleukin (IL)-1 $\beta$ and IL-6 in Bronchoalveolar Lavage Fluid Obtained from Infants with Chronic Lung Disease of Prematurity," <i>Pediatric Research</i> 40(2):250-256. |
| Steel et al. (2000), "The Flow-Thru Chip <sup>TM</sup> : A Three-Dimensional Biochip Platform," <i>Microarray Biochip Technology</i> , Chapter 5, pp. 87-117, BioTechniques Books, Natick, MA.                    |
| Theriault et al. (1999), "Application of Ink-Jet Printing Technology to the Manufacture of Molecular Arrays," <i>DNA Microarrays: A Practical Approach</i> , Ed. M. Schena, Chapter 6 (Oxford University Press).  |

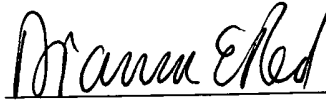
A PTO-1449 form listing all the references accompanies this paper. Applicants would appreciate the Examiner's initialing and returning the form to indicate that the references have been reviewed and made of record.

This Information Disclosure Statement is not intended as a representation that a search has been made, that additional information material to the examination of this application does not exist, or that any of the above references constitutes prior art to the present application within the meaning of 35 USC § 102.

As applicants have not yet received a first Action on the merits, no fee is required for filing this Information Disclosure Statement. If, however, the PTO finds that for some reason a fee is found to be necessary, our Deposit Account No. 18-0580 may be charged therefor. A **duplicate copy of this paper is enclosed.**

Respectfully submitted,

By:



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Registration No. 31,292

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Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 1

**Complete if Known**

|                        |                         |
|------------------------|-------------------------|
| Application Number     | 10/040,926              |
| Filing Date            | December 28, 2001       |
| First Named Inventor   | Mitchell W. MUTZ et al. |
| Art Unit               | 1623                    |
| Examiner Name          | Unassigned              |
| Attorney Docket Number | 7610-0022.22            |

MAR 21 2002

**U.S. PATENT DOCUMENTS**

| Examiner Initials* | Cite No. | Document No.          | Issue Date or Publication Date | Name of Patentee or Applicant of Cited Document | Class | Subclass | Filing Date if Appropriate |
|--------------------|----------|-----------------------|--------------------------------|-------------------------------------------------|-------|----------|----------------------------|
|                    | AA       | Serial No. 09/669,996 |                                | Ellson et al.                                   |       |          | 9/25/00                    |
|                    | AB       | 5,506,141             | 4/9/96                         | Weinreb et al.                                  |       |          |                            |
|                    | AC       | 6,103,479             | 8/15/00                        | Taylor                                          |       |          |                            |

**OTHER DOCUMENTS — NONPATENT LITERATURE DOCUMENTS**

| Examiner Initials* | Cite No. | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), Title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T |
|--------------------|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|
|                    | AD       | "CellSelector <sup>TM</sup> " product description, Cell Robotics Inc., Albuquerque, NM.                                                                                                                                                                         |   |

**U.S. PATENT DOCUMENTS**

| Examiner Initials* | Cite No. | Document No.          | Issue Date or Publication Date | Name of Patentee or Applicant of Cited Document | Class | Subclass | Filing Date if Appropriate |
|--------------------|----------|-----------------------|--------------------------------|-------------------------------------------------|-------|----------|----------------------------|
|                    | AE       | Serial No. 09/669,194 |                                | Ellson et al.                                   |       |          | 9/25/00                    |
|                    | AF       | Serial No. 09/727,392 |                                | Mutz et al.                                     |       |          | 11/29/00                   |
|                    | AG       | Serial No. 09/962,730 |                                | Ellson et al.                                   |       |          | 9/25/01                    |
|                    | AH       | Serial No. 09/964,193 |                                | Mutz et al.                                     |       |          | 9/25/01                    |
|                    | AI       | Serial No. 09/964,212 |                                | Ellson et al.                                   |       |          | 9/25/01                    |
|                    | AJ       | Serial No. 09/999,166 |                                | Mutz et al.                                     |       |          | 11/29/01                   |
|                    | AK       | 2,056,426             | 10/6/36                        | Frantz                                          |       |          |                            |
|                    | AL       | 3,380,584             | 4/30/68                        | Fulwyler                                        |       |          |                            |
|                    | AM       | 3,710,933             | 1/16/73                        | Fulwyler et al.                                 |       |          |                            |
|                    | AN       | 4,308,547             | 12/29/81                       | Lovelady et al.                                 |       |          |                            |
|                    | AO       | 4,500,707             | 2/19/85                        | Caruthers et al.                                |       |          |                            |
|                    | AP       | 4,765,737             | 8/23/88                        | Harris et al.                                   |       |          |                            |
|                    | AQ       | 5,041,849             | 8/20/91                        | Quate et al.                                    |       |          |                            |
|                    | AR       | 5,158,889             | 10/27/92                       | Hirako et al.                                   |       |          |                            |
|                    | AS       | 5,436,327             | 7/25/95                        | Southern et al.                                 |       |          |                            |
|                    | AT       | 5,700,637             | 12/23/97                       | Southern et al.                                 |       |          |                            |
|                    | AU       | 5,798,779             | 8/25/98                        | Nakayasu et al.                                 |       |          |                            |
|                    | AV       | 6,044,981             | 4/4/00                         | Chu et al.                                      |       |          |                            |
|                    | AW       | 6,120,735             | 9/19/00                        | Zborowski et al.                                |       |          |                            |

**OTHER DOCUMENTS — NONPATENT LITERATURE DOCUMENTS**

| Examiner Initials* | Cite No. | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), Title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T |
|--------------------|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|
|                    | AX       | Amemiya et al. (1997), "Ink Jet Printing with Focused Ultrasonic Beams," <i>IS&amp;T NIP 13: 1997 International Conference on Digital Printing Technologies</i> , pp. 698-702.                                                                                  |   |
|                    | AY       | Kotecha et al. (1996), "Increase in Interleukin (IL)-1 $\beta$ and IL-6 in Bronchoalveolar Lavage Fluid Obtained from Infants with Chronic Lung Disease of Prematurity," <i>Pediatric Research</i> 40(2):250-256.                                               |   |
|                    | AZ       | Steel et al. (2000), "The Flow-Thru Chip <sup>TM</sup> : A Three-Dimensional Biochip Platform," <i>Microarray Biochip Technology</i> , Chapter 5, pp. 87-117, BioTechniques Books, Natick, MA.                                                                  |   |
|                    | BA       | Therault et al. (1999), "Application of Ink-Jet Printing Technology to the Manufacture of Molecular Arrays," <i>DNA Microarrays: A Practical Approach</i> , Ed. M. Schena, Chapter 6 (Oxford University Press).                                                 |   |

|                    |                 |
|--------------------|-----------------|
| Examiner Signature | Date Considered |
|--------------------|-----------------|

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.